



Interstate Compact on the Placement of Children Border Agreement

*between the Washington State Department of Social & Health Services
and the Oregon Department of Human Services*

This agreement is between the State of Washington, acting by and through Susan N. Dreyfus, Secretary of the Washington State Department of Social and Health Services, and the State of Oregon, acting by and through Bruce Goldberg, M.D., Director of the Oregon Department of Human Services.

The parties to this Agreement recognize the need for more timely and efficient interstate placements of children between the states of Washington and Oregon. The parties also recognize that the delays commonly experienced by the State's public child welfare agencies when seeking to place children with families located across the border shared by the two States can postpone the placement of children with their own family members and can negatively impact children's overall well-being.

The purpose of this agreement is to establish an expedited process to assess the safety and suitability of prospective caregivers who have an existing relationship with a child but live across the state border from where children in need of placement reside. When appropriate, caregivers will be provisionally approved after an agreed upon expedited assessment process, and child placement will proceed while a more comprehensive evaluation of the caregivers and their home is completed.

The parties acknowledge the need for better and more effective interstate cooperation to address this issue and to improve the lives of the abused and neglected children in the care and custody of the two States' public child welfare agencies. This Agreement is intended to address the problem by increasing the timeliness of interstate placements of children within a defined geographic area encompassing specific counties on both sides of the border shared by the two States and reduce the placement of children in foster homes where children do not know the caregivers. This Agreement will also help ensure the continued safety and well-being of the children after placement. This Agreement is intended to conform to the articles and regulations of the Interstate Compact on the Placement of Children and terms used herein shall have the same meanings as in the articles and regulations of the Interstate Compact on the Placement of Children (herein referred to as the "ICPC" or "the Compact"), except as otherwise defined in this Agreement below.

I. Definitions

Terms used in this Agreement shall have the following meaning. If not expressly defined in the Compact or in this Agreement, a term shall have its ordinary meaning in English Usage:

- **DHS** means the Oregon Department of Human Services.
- **DSHS** means the Washington State Department of Social and Health Services.
- **Full Placement Approval** means that the sending State's Central State Compact Office has been notified in writing by the receiving State's Central State Compact Office that a provisional placement made by the sending State pursuant to this Agreement may continue.
- **ICPC** means the Interstate Compact on the Placement of Children.
- **Placement** has the same meaning as in Article II (d) of the Compact and Regulation No. 3 of the regulations promulgated by the Association of Administrators of the ICPC, excluding placements in child-caring agencies and institutions.
- **Placement Resource** means the individual or individuals in the receiving State with whom the sending State seeks to place a child or children.
- **Provisional Placement** means the placement of a child by the sending State pursuant to provisional placement approval by the receiving State and before full placement approval by the receiving State.
- **Provisional Placement Approval** means that the sending State's Central State Compact Office has been notified by the receiving State's Central State Compact Office, in writing, that a placement may be made pursuant to Article III of the ICPC, and that the approval to place will remain in effect pending the receiving State's decision regarding full placement approval.
- **Provisional Placement Procedures** means written procedures agreed upon by both the Deputy Compact Administrators from Washington and Oregon which describe how provisional placement requests are processed by sending and receiving States under this Agreement.

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- **Receiving State** means, among the two States that are a party to this Agreement, the State in which a child may be placed or has been placed pursuant to this Agreement and pursuant to the ICPC.
- **Relative** means
 - A. Any blood relative (which includes parent siblings, uncles and aunts), including those of half-blood, and including first cousins, second cousins, nephews or nieces and persons of preceding generations as defined by prefixes of grand, great, or great-great; stepfather, stepmother, stepbrother or stepsister;
 - B. A person who legally adopts a child or the child's parent as well as the natural and adopted children of the adoptive parents, and other relatives of the adoptive parents in accordance with law;
 - C. Spouses of any persons named in A or B of this subsection, even after a marriage is terminated or dissolved;
 - D. Relatives as named in A, B or C above, of any half sibling of the child; or,
 - E. In cases where ICWA applies, an extended family member is defined by law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of 18 and who is the Indian child's grandparents, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four basis to an Indian child as defined in 25 USC sec 1903(4).
- **Sending State** means, among the two States that are a party to this Agreement, the State that is placing, seeking to place, or has placed a child in the other State that is a party to this Agreement.

II. Placements Covered by This Agreement

A proposed Placement by a sending State must adhere to the following criteria in order to be eligible for Provisional Placement Approval by the receiving State:

- Proposed Placements from Washington into Oregon must originate from either Clark or Cowlitz counties, and the Placement Resource must reside in one of the following Oregon counties: Washington, Multnomah or Clackamas.
- Proposed Placements from Oregon into Washington must originate from one of the following counties: Washington, Multnomah or Clackamas, and the Placement Resource must reside in Clark or Cowlitz County.
- The proposed Placement must be with a Relative or with an individual with whom the child has an established relationship and with whom the child has spent a substantial amount of time.
- No more than 75 requests per calendar year from each State are eligible for Provisional Placement Approval. The number of requests eligible for Provisional Placement Approval in the year that this Agreement becomes effective will be prorated according to the percentage of the year remaining on the effective date and rounded up to the nearest whole number. A request to place more than one child with the same Placement Resource will be counted as one request.
- Proposed Placements from Washington into Oregon must be for children in the legal custody of DSHS, and proposed Placements from Oregon into Washington must be for children in the legal custody of DHS.
- The sending State may submit no more than one provisional placement request at a time for any given child. If more than one Placement Resource is identified in the Receiving State for a particular child, the Sending State may submit additional non-provisional placement requests via the normal ICPC process pursuant to Article III of the ICPC at the same time that a provisional placement request is in process.

III. Provisional Placement Process

The Sending State shall:

- Review all Placement requests before they are sent to the Receiving State to ensure requests meet the criteria set forth in Section II. of this Agreement.
- Communicate directly with the identified Placement Resource regarding their responsibilities both before and after Provisional Placement Approval.
- Not physically move a child to the home of an identified Placement Resource unless and until Provisional Placement Approval is received from the Receiving State.
- Adhere to all written Provisional Placement Procedures created and approved according to the process described in Section V. of this Agreement.

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The Receiving State shall:

- Review all provisional placement requests received from Sending State to determine whether or not a request meets the criteria set forth in Section II. of this Agreement.
- Render a decision regarding provisional placement request within 7 working days of the date on which the Central State Compact office in the Receiving State transmitted the request to the field office responsible for determining the suitability of the identified Placement Resource.
- Adhere to all written Provisional Placement Procedures created and approved according to the process described in Section V. of this Agreement.

IV. Requirements Following Provisional Placement Approval

The Sending State shall:

- Communicate with the Placement Resource in the Receiving State regarding the Placement Resource's responsibilities in the Full Placement Approval process.
- Respond to any request from the Receiving State for additional information needed to reach a decision regarding Full Placement Approval.
- Placement Resource are returned to the Sending State if return is requested by the Receiving State at any time.
- Communicate with the Placement Resource in the Receiving State if and when requested by the Receiving State for the purpose of gaining better cooperation on the part of the Placement Resource in the Full Placement Approval process.
- Effectuate the removal of the child or children from a provisionally-approved placement when the Sending State is informed that Full Placement Approval has been denied.

The Receiving State shall:

- Provide courtesy supervision of placement as soon as a child is placed in a provisionally-approved placement.
- Evaluate provisionally-approved placements for the purpose of rendering a decision with regard to Full Placement Approval.
- Inform Sending State if Placement Resource is not cooperating with Full Placement Approval process.
- Render a decision with regard to Full Placement Approval of a provisionally-approved placement, unless the Sending and Receiving States mutually agree that such a decision is unnecessary due to a change in circumstances, such as the child leaving the Provisional Placement.
- Inform Sending State if/when denial of Full Placement Approval is imminent due to lack of response or cooperation on the part of the Placement Resource.

V. Provisional Placement Procedures

- DSHS and DHS shall jointly promulgate one set of Provisional Placement Procedures to achieve the purposes of this Agreement.
- Procedures promulgated under this Agreement shall not take effect unless and until the deputy compact administrators from Washington and Oregon have approved them in writing.
- Any future modifications to the procedures shall not take effect unless and until the deputy compact administrators for Washington and Oregon have approved such modifications in writing.
- DHS and DSHS shall adhere to any and all procedures promulgated under this Agreement. Failure to comply with these procedures could result in termination of the Agreement as described in Section IX.

VI. Applicability of ICPC

- Any and all placements made under this Agreement must conform to the articles and regulations of the ICPC.
- In the event that any provision of this Agreement conflicts with an article or regulation of the ICPC, such provision shall be ineffective to the extent of the conflict.

VII. Reporting/Data requirements

- The central state compact offices in both Washington and Oregon shall track and record statistical data related to this Agreement.
- At a minimum, the data elements each State is required to track will include the following:
 - the number of provisional placement requests sent and received each month.
 - of the provisional placement requests sent and received, the number accepted by the Receiving State.
 - of the provisional placement requests accepted by the Receiving State, the number approved or denied by the Receiving State within the time limit established in Section III. of this Agreement.
- Other data elements to be tracked will be mutually agreed upon in writing by the deputy compact administrators in Washington and Oregon.

VIII. Agreement Maintenance and Review

- A. Representatives from DSHS in Washington and DHS in Oregon shall meet as outlined below to review data related to this Agreement in order to monitor the safety, permanency and well- being outcomes for children, resolve any conflicts related to this Agreement and to discuss possible modifications to this Agreement or its related procedures.
- B. The deputy compact administrators from Washington and Oregon will meet, either by telephone or in person, at least once every 3 months for the purposes outlined in (A) of this section.
- C. At least every other quarterly meeting described in (B) of this section will also include at least one local DSHS representative and one DHS representative from the areas in Washington and Oregon covered by this Agreement, as well as at least one representative, in addition to the deputy compact administrator, from each of the central state compact offices in Washington and Oregon.
- D. At least one time each year the DSHS Assistant Secretary for the Children’s Administration, the DHS Assistant Director for the Children, Adults and Families Division and the deputy compact administrators from Washington and Oregon shall meet in person for the general purposes outlined in (A) of this section.

IX. Termination

- A. At its sole discretion, DSHS may terminate this Agreement for any reason upon thirty days prior written notice to DHS.
- B. At its sole discretion, DHS may terminate this Agreement for any reason upon thirty days prior written notice to DSHS.
- C. This Agreement may be terminated immediately upon mutual written consent of DSHS and DHS or at such other time as the parties may agree in the written consent.
- D. Once written notice of termination has occurred in accordance with (A), (B) or (C) of this section, neither party to this Agreement will make a provisional placement request pursuant to this Agreement, and neither party will accept a provisional placement request made pursuant to this Agreement. Any provisional placement requests made pursuant to this Agreement that are pending prior to receipt of notice of termination shall be handled in accordance with the terms of this Agreement regardless of the subsequent termination of the Agreement.

X. Effective Date

This Agreement shall become effective on October 1, 2010.

XI. Signatures



Susan N. Dreyfus

Susan N. Dreyfus
Secretary

August 30, 2010

Date



Bruce Goldberg

Bruce Goldberg, M.D.
Director

August 30, 2010

Date